

Regular Meeting  
Frankfort Board of Commissioners

October 24, 2005  
5:30 P.M.

PRESENT

Commissioner Kathy Carter  
Commissioner Lynn Bowers  
Commissioner Rodney Williams  
Commissioner J. W. Bryan  
Mayor William I. May, Jr. (5)

ABSENT

None (0)

Following roll call, the Invocation was given by Lewis Newby, Pastor of the Corinthian Baptist Church. The Pledge of Allegiance was led by John Hammond.

It was moved by Commissioner Carter, seconded by Commissioner Williams, to dispense with the reading and approve as distributed the minutes of. September 9, 2005 Work Session; September 15, 2005 Special Meeting; September 26, 2005 Regular Meeting; October 3, 2005 Special Meeting; October 10, 2005 Special Meeting; and the October 10, 2005 Work Session. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams, and Mayor May (4). Those voting against the motion were none (0). The motion was thereupon adopted.

**Ceremonial Items**

Circuit Judge William Graham administered the Oath of Office for City Commissioner to J. W, Bryan.

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to move Consent Item 6.9 to Ceremonial Items and approve personnel actions, in order to recognize the Fire Department promotions. Without objection, the motion was adopted by general consent.

The following personnel in the Fire Department were recognized for promotion to become effective October 25, 2005, and were presented with badge and insignia by Assistant Fire Chief Chip Martin:

- Scott Morgan to rank of Battalion Chief.
- Kyle Smith to rank of Captain.
- Ben Boggs to rank of Lieutenant.
- John Redfern to rank of Sergeant.

“AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2006 ON ALL MOTOR VEHICLES AND LEVYING SAID TAX FOR ALL CITY PURPOSES” was presented and read. The Ordinance had its first reading on September 26, 2005. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Ordinance be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 21, 2005 Series).

“AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2005 ON ALL TANGIBLE PROPERTY SUBJECT TO TAX. TRUST AND INSURANCE COMPANIES, PUBLIC SERVICE COMPANIES AND LEVYING SAID TAX FOR ALL CITY PURPOSES” was presented and read. The Ordinance had its first reading on September 26, 2005. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Ordinance be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 22, 2005 Series).

“AN ORDINANCE AMENDING ORDINANCE NO. 3, 2004 SERIES, THE ADOPTED SUBDIVISION AND SITE PLAN REGULATIONS FOR FRANKFORT AND FRANKLIN COUNTY” was presented and read.

“AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 40, POLICE AND FIRE DEPARTMENT, SECTION 40.36 – SAME- FIRE AND SAFETY INSPECTOR; FIRE TRAINING OFFICER; SECTION 40.37 FIRE PUBLIC EDUCATION OFFICER” was presented and read.

“AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES, CHAPTER 37 PERSONNEL; CITY EMPLOYEES, SECTION 37.42 – SAME- PAY FOR MEMBERS OF FIRE AND POLICE DIVISIONS” was presented and read.

“AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES SECTION 115.09 TO PERMIT THE SALE OF DISTILLED SPIRITS, BEER OR MALT BEVERAGES AND WINE BY THE DRINK BY CERTAIN HOTELS, MOTELS AND RESTAURANTS” was presented. Mayor May recognized citizens desiring to speak regarding this proposed ordinance.

Patricia Aldridge stated she is opposed to Sunday alcohol sales. Six days are sufficient for the sale of alcohol.

Maria Davis spoke in opposition to Sunday alcohol sales. Alcohol has killed more people than cigarettes.

David Smith, Pastor of North Frankfort Baptist Church spoke in opposition to Sunday alcohol sales. He presented a petition with more than 300 signatures opposing Sunday sales.

Wallace Kent, Pastor of Crestwood Baptist Church, spoke in opposition to Sunday sales. He read a Resolution from the Frankfort Baptist Association adopted on Monday, October 24, 2005 opposing Sunday sales.

Mary Rose Thompson spoke in opposition to Sunday sales. She stated alcohol sales are not permitted on voting days due to recognition of alcohol’s effects on judgment. Sunday is a day of reverence.

Preston Cecil stated that St. Clair Mall residents and business owners do not fall within the 50% food sales requirement and feels the requirement is unfair.

Edmund Miller spoke in opposition to Sunday sales. Stated his brother died due to alcohol.

Tim Jumpp, Pastor of Leestown Gospel Church, spoke in opposition to Sunday alcohol sales.

Steve Bolton, spoke on behalf of VFW Post 4075, in support of Sunday alcohol sales. Some members support and some oppose this issue, but the overall sense of members was in support. He stated the Post is used for many social activities. Intent of VFW was to allow them and other like organizations to allow private clubs to have Sunday afternoon sales for their memberships; asked for favorable consideration of proposed ordinance because it benefits the Post.

Mayor May recognized the work of the VFW Post 4075 in the community. He requested clarification from City Solicitor Rob Moore on the effect of defeat of the Ordinance on the VFW and similar organizations. Commissioner Carter asked if an exception for Near Year's Eve was included in the ordinance. It was explained that would be a separate ordinance,

Carlos Pugh, Commander of the VFW Post spoke about the many VFW programs supporting the community. He spoke about the value of military service to freedom, and asked that Sunday sales be permitted for the benefit of their membership.

Ron Robinson. Pastor of Wesleyan Church, spoke in opposition of Sunday alcohol sales. He cited the toll on Frankfort Police Department, add to stress on families, add to crime rate, and hinder the work of the churches.

Donna Cardwell, member of Ladies Auxiliary of VFW Post 4075, and State President of the Ladies Auxiliary, spoke in support of the ordinance.

Ray Walker, member of VFW Post 4075, spoke in support of the ordinance. He stated Frankfort residents are now going to Louisville and Lexington to have a glass of wine on Sunday.

Carman Inman, Executive Director of the Frankfort Area Chamber of Commerce, spoke also on behalf of the Tourism Commission and the Restaurant Association, in support of the ordinance. Restaurant Association estimates \$571,000 can be brought into Frankfort with Sunday alcohol sales. She stated support for the ordinance is for economical reasons.

Greg Moore, Director of EMS for Frankfort Fire and EMS, spoke in opposition of the ordinance. He is a 17-year veteran of the Fire Department and has seen many situations caused by alcohol. He recommends the issue be put on the ballot for citizens to vote.

Dr. Len Sherill remarked he agreed with comments on both sides of the issue, but stated Frankfort is competing with Lexington and Louisville for business. He expressed that he knew the Commissioners understood both sides of the issue

Gayle Ephraim spoke in opposition to Sunday alcohol sales.

Anna Ethington spoke in opposition to Sunday alcohol sales.

Commissioner Bowers thanked Dr. Sherill for his comments and appreciation of the difficulty of this issue. She empathizes with both sides of the issue. She recommended a referendum on the issue to allow the public to decide. She suggested the City Solicitor review how to get the question on a referendum. She stated the issue of Sunday alcohol has been studied by the Commission for over a year and it is time that it be resolved.

City Solicitor Rob Moore presented the statutory options for public referendum. He stated he would like to discuss the matter with officials at the Alcohol and Beverage Control Commission. It was agreed Mr. Moore would provide a memorandum addressing all the relevant issues concerning a referendum in detail.

Commissioner Carter spoke stating she disagreed with putting the question to a referendum. Commissioners needed to take a stand and step forth.

Carlos Pugh asked who authorized the Holiday Inn to sell alcohol on Sunday, and how a wet/dry vote could be held if alcohol is currently being held. Mayor May stated the Kentucky General Assembly authorized sales at the Holiday Inn. He stated under KRS Chapter 242 a community-wide local option election could be held and a city could be voted dry. Under Chapter 83A, the City would pay the costs of an election if it chooses to place the matter on the ballot.

Steve Bolton raised a point of order concerning the question of a referendum when the ordinance is scheduled for a first reading. There was discussion as to procedural matters relevant to the ordinance reading.

Joe Bryant, VFW Post 4075 asked about the effect of the ordinance on facilities located in the county. He was informed this Ordinance would be effective only within the city limits.

Doug Williams spoke in opposition to holding a public referendum on Sunday alcohol sales.

Commissioner Bowers responded that this is a hot button issue that belongs to the public.

Commissioner Carter commented that the Commission should make a decision and move forward rather than have a referendum.

It was moved by Commissioner Carter, seconded by Commissioner Williams to reject having a referendum and proceed with a first reading of Item 3.6. Following additional comments, the question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Williams and Bryan, and Mayor May (4). Voting against the motion was Commissioner Bowers (1). The motion was thereupon adopted.

"AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES SECTION 115.09 TO PERMIT THE SALE OF DISTILLED SPIRITS, BEER OR MALT BEVERAGES AND WINE BY THE DRINK BY CERTAIN HOTELS, MOTELS AND RESTAURANTS" was read.

The following miscellaneous and personnel items were presented:

- 6.1 Approved Change Order Number 1 with Jordan, Jones & Goulding (JJG) for the design of the liquid oxygen ozone generating system at the Wastewater Treatment Plant; Change Order Number 1 in the amount \$17,000, increasing total contract amount to \$117,000; funds available in Account No. 330.68.56550 (Sewer Department).
- 6.2 Authorized award of a contract to Beckman Environmental for installation of a new telemetering system with secure internet monitoring; This Phase III contract will replace outdated and unreliable telemetering at an additional 8 pump stations located in the Combined Sewer System and will complete the telemetering upgrade; funding available in CSO Controls line item in Account No. 300.68.56550 (Sewer Department).
- 6.3 Authorized two Department vehicles declared surplus through trade in, and awarded bids to Countryside Motors for one 2-door Club Cab 2006 Dodge Dakota Pick Up Truck and one 4-door Quad Cab Pick Up Truck; Total cost for both vehicles is \$29,996, with trade-in value used to offset purchase price; vehicles will be purchased under Kentucky State Price contract TB377305; funds available in Account No. 300.68.56550 (Sewer Department).
- 6.4 Approved a sewer extension contract with owner of Pine Hill Village located at U.S. 421, Franklin County, Kentucky; property is zoned for 95 residential lots; improvements include 19 new manholes and 3,704 feet of 8-inch SDR 35 pipe serving lot number 1 through 95; Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort; Kentucky Division of Water has approved sewer plans and specifications; final approval contingent upon completion of 30-day waiting period for testing after construction completion (Sewer Department).
- 6.5 Approved a sewer extension contract with The Condos at Duckers, LLC for property located at The Links at Duckers Lake at U.S. 421, Franklin County, Kentucky; property is zoned for 91 residential single lots; improvements include 13 new manholes and 2,935 feet of 8-inch SDR 35 pipe; Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's

collection by the Department, a contract must be entered into between the developer and the City of Frankfort; Kentucky Division of Water has approved the sanitary sewer plans and specifications; Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department)

- 6.6     Authorized rescission of action taken on September 26, 2005 concerning the directing of the Planning Commission to review the design standards draft ordinance and recommend changes or adoption within 60 days.
- 6.7     Approved Cooperation Agreement with Franklin County Fiscal Court for Choateville Phase 2 Sewer Extension Project; Fiscal Court will pay a fee to Frankfort Sewer Department to manage the project. (Sewer Department).
- 6.8     Authorized entering into a contract with Firetec Apparatus Sales to list and market for sale a 1990 Aerial Truck; flat-rate fee of \$10,000 to be deducted from proceeds of sale; truck to be advertised for \$200,000 with sale expectation of a minimum of \$180,000 (Fire Department).
- 6.9     Personnel
  - Appointed James P. Schultze to position of Plant Operator, effective 10-25-05 (Sewer Department);
  - Appointed Mark Craycroft to position of Firefighter/EMT, effective 10-25-05 (Fire Department);
  - Appointed David C. Jones to position of Telecommunicator, effective 10-25-05 (Communications);
  - Promoted Scott Morgan to position of Battalion Chief, effective 10-25-05 (Fire Department);
  - Promoted Kyle Smith to position of Captain, effective 10-25-05 (Fire Department);
  - Promoted Ben Boggs to position of Lieutenant, effective 10-25-05 (Fire Department);
  - Promoted John Redfern to position of Sergeant, effective 10-25-05 (Fire Department);
  - Retirement of Gary Lynn, Electrical Inspector, effective 10-31-05, and authorized payment of all accrued vacation and comp time (Planning and Building Codes);
  - Retirement of Donald Baker, Tech III, and authorized payment of all accrued vacation and comp time (Streets/Public Works);
  - Conditional offer of employment to William G. King, Patrol Officer, contingent upon successful completion of physical, psychological, polygraph and drug screen examinations (Police Department).

It was moved by Commissioner Bowers, seconded by Commissioner Carter, that all items on Consent Agenda be approved. All members being present and no objection having been filed with the City Clerk, the motion was thereupon adopted by general consent.

It was moved by Commissioner Williams not to proceed with authorizing the Parks and Recreation and Historic Properties Department to request proposals for the proposed aquatic facility. The motion died for lack of a second.

It was moved by Commissioner Bowers, seconded by Commissioner Carter to consider granting authorization to seek proposals for the proposed aquatic center. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers and Bryan, and Mayor May (4). Voting against the motion was Commissioner Williams (1). The motion was thereupon adopted.

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to adopt Agenda Item 9.1. The motion was adopted by voice vote.

**Commissioner Comments**

Commissioner Carter stated Frankfort/Franklin County Tourism Commission recently recognized Mr. John Hammond as Frankfort’s Goodwill Ambassador. October 31 is the designated date for Trick or Treating in Frankfort. She announced the Capital City Museum would be open during the upcoming Candlelight Tour, with a cake celebrating the Museum’s one-year anniversary; announced the Murder and Meyham Tour offered by the City Parks Department; recognized Gary Muller for the recently published Planning and Building Codes newsletter; reminded citizens that a permit is required prior to occupancy of a rental property; complimented City Clerk Ramona Newman for her work for the Commission; announced leaf collection is underway by the Public Works Department; and complimented Bill Scalf and the Sewer Department for their efforts toward promoting fuel efficiency.

Commissioner Bowers formally welcomed Commissioner Bryan to the Board. She expressed thanks to former Commissioner Andrew Layson for his service. She also expressed concern for city employees with recent illness and death of family members.

Commissioner Bryan recognized his son Steve in attendance. He expressed appreciation to the Board for the confidence in him shown by appointing him to he Board. He also thanked voters and residents of Frankfort. He commented that with his background he expected to be of help when discussing the budget. He stated the Commission would be looking at and addressing difficult issues for Frankfort’s future.

Commissioner Williams thanked Commissioner Layson for his service and stated he looked forward to working with Commissioner Bryan.

Mayor May thanked Commissioner Layson for his service.

John Hammond, announced a historical marker will be dedicated at Rebecca Ruth Candy on October 28<sup>th</sup> at 2:30 p.m.

The meeting adjourned on a motion by Commissioner Carter, seconded by Commissioner Bowers.

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Mayor

Attest:

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City Clerk